



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Cheryl Richardson, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*Andy Morris, Ward 4*  
*M. Carlyle Kent, Ward 5*  
*Andre L. Sims, Ward 6*  
*Joseph R. Goldstein, Ward 7*

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Wednesday, March 9, 2022

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member M. Carlyle Kent, Ward 5*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

### PROCLAMATIONS:

### ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

### SCHEDULED APPEARANCES:

**Each speaker is allotted five (5) minutes,  
for a combined total of 20 minutes.**

### CONSENT AGENDA:

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

### MINUTES:

\*      **20220252      Regular Meeting - February 9, 2022**

Review and approval of the February 9, 2022 regular meeting minutes.

\*      **20220253      Executive Session Minutes**

Review and approval of the following executive session minutes:

December 7, 2020 Agenda Work Session  
January 13, 2021 City Council Meeting  
March 10, 2021 City Council Meeting  
March 30, 2021 Special Called Agenda Work Session

**MAYOR'S APPOINTMENTS: (for informational purposes only)**

**CITY COUNCIL APPOINTMENTS:**

\*      **20220246      Board of Lights and Water (BLW) Board Appointment**

Reappointment of Terry G. Lee to the Board of Lights and Water (BLW) Board for a four (4) year term, effective March 12, 2022 and expiring March 12, 2026.

\*      **20220248      Historic Board of Review Appointment (Ward 4)**

Motion to appoint Jim Trimble to the Historic Board of Review Ward 4 for a two (2) year term, beginning upon appointment and expiring March 10, 2024.

\*      **20220249      Historic Preservation Commission Appointment (Ward 4)**

Motion to appoint Jim Trimble to the Historic Preservation Commission Ward 4 for a three (3) year term, beginning immediately upon appointment and expiring March 10, 2025.

**ORDINANCES:**

**20211077      Z2022-03 [REZONING] GRACEPOINT SCHOOL, INC.**

**Z2022-03 [REZONING] GRACEPOINT SCHOOL, INC.** is requesting the rezoning of 4.45 acres located in Land Lots 866, 867, 934 & 935, District 16, Parcels 0260 & 0440 of the 2nd Section, Cobb County, Georgia, and being known as 1399 & 1407 Cobb Parkway North from CRC (Community Retail Commercial) to OI (Office Institutional). Ward 4B.

*The Planning Commission recommends Approval as Stipulated.*

*Mr. Anderson made a motion, seconded by Mr. Hunter to recommend approval as stipulated. The motion carried 7-0-0.*

*If Council approves the rezoning, the following variance would be incorporated as a condition of zoning:*

*The following variances are incorporated as conditions of zoning:*

- 1. Letter of stipulations from Fred D. Bentley, Jr. to Shelby Little, Planning & Zoning Manager, dated December 31, 2021*
- 2. Variance to reduce the minimum lot acreage for a school from 5 acres to 4.45 acres. [◆708.23 (B.19.a)]*

*Tabled on January 12, 2022*

*Public Hearing (all parties are sworn in)*

**20220106      Z2022-07 [REZONING] MARGARET KEHELEY LIVING TRUST**

**Z2022-07 [REZONING] MARGARET A. KEHELEY LIVING TRUST** is requesting the rezoning of 0.47 acres located in Land Lot 1003, District 16, Parcel 0160 of the 2nd Section, Cobb County, Georgia, and being known as 140 Marble Mill Road from HI (Heavy Industrial) to CRC (Community Retail Commercial). Ward 5B

*The Planning Commission recommends Approval.*

*Ms. McCrae made a motion, seconded by Mr. Hunter, to recommend approval as written. The motion carried 5-0-0.*

*Public Hearing (all parties are sworn in)*

**20220107      Z2022-08 [REZONING] DAVID AND MAITE LINDENBERG**

**Z2022-08 [REZONING] DAVID & MAITE LINDENBERG** are requesting the rezoning of 0.19 acres located in Land Lot 1143, District 16, Parcel 0150 of the 2nd Section, Cobb County, Georgia, and being known as 473 Morningside Drive from R-4 (Single Family Residential -4 units/acre) to RA-6 (Single Family Attached - 6 units/acre). Ward 4B.

*The Planning Commission recommends Approval as Stipulated.*

*Mr. Anderson made a motion, seconded by Mr. Hunter to recommend zoning from R 4 to R 4 with additional use (duplex). The motion carried 5-0-0.*

*If Council approves the rezoning, the following variances would be incorporated as a condition of zoning:*

- 1. Variance to reduce the western side yard setback from 10' to 5' for the existing structure.*
- 2. Variance to reduce the eastern side yard setback from 10' to 6' 7" for the existing structure.*
- 3. Variance to increase the allowable density to 10.6 units/acre.*
- 4. Variance to reduce the minimum lot width from 75' to 65'.*

*Public Hearing (all parties are sworn in)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:**

- \*      **20220207      Denial of Claim**  
  
Denial of Claim - Normisha Queener
  
- \*      **20220270      Denial of Claim**  
  
Denial of Claim for Christopher Emerson.

**CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:**

**1. Economic/Community Development: Andre L. Sims, Chairperson****2. Finance/Investment: Joseph R. Goldstein, Chairperson****\* 20220151 YELLS 21st Century Community Learning Centers Grant**

Motion to approve the Carryover award of \$45,644 to the existing budget for the FY22 Marietta YELLS 21st Century Community Learning Centers (CCLC) grant.

**\* 20220162 Budgeted Training, Travel, and Meal Expense for Council Members**

Motion to approve a cumulative budget amount for Travel & Training for the Mayor and Council that shall not exceed a \$56,000.00 allowance for a fiscal year and for an individual Elected Official, the yearly budgeted allowance shall not exceed \$7,000 individually.

**\* 20220163 SPLOST Project Financing**

Motion to approve the prefunding of 2022 SPLOST Tier/Level 1 projects to mitigate inflationary pressures through internal financing of up to \$20,000,000, and the reimbursing of the funds used at a rate of 1.5%.

**3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson****20220087 Sanitary Conditions and Procedures**

Motion to approve the revised ordinance to Sect. 7-4-2-110 - Sanitary Conditions and Procedures.

*First Reading*

**20220183 Zoning Stipulation Change - Z2021-04 Roselane St 343 & 361 Petty Dr**

Motion to approve the request by Prestwick Companies to modify the site plan approved with Z2021-04. This is a modification to the location of the building on the site. All stipulations associated with Z2021-04 will remain in effect.

**\* 20220184 Final Plat - Crescent Walk**

Motion to approve the final plat for Crescent Walk (224 & 226 Crescent Circle).

\*      **20220202      Repeal of the Clean City Commission Ordinance**

Motion to approve an ordinance to repeal Article 1-10-6-060 of the City Code, which established the Clean City Commission and approval of the dissolution of the 501(c)3 Clean City nonprofit corporation.

**4. Parks, Recreation and Tourism: Johnny Walker, Chairperson**

\*      **20220187      Summer Camp Grant Funding**

Motion to approve submission of summer camp grant funding from the American Rescue Plan Act for the Building Opportunities for Out-of-School Time (BOOST) Grant Program, established through the Georgia Statewide Afterschool Network (GSAN) and the Georgia Department of Education (GaDOE) administered by the Georgia Parks and Recreation Association (GRPA).

**5. Personnel/Insurance: Cheryl Richardson, Chairperson**

**20210589      Charter Amendment related to Firefighter and Police Officer Civil Service**

Motion to approve Amendment to the Charter for the City of Marietta Section 4.13 entitled "Firefighter and Police Officer Civil Service".

*First Reading*  
*Public Hearing Required*

\*      **20210590      Code Amendment - Civil Service Rules and Regulations**

Motion to approve an ordinance amending Chapter 4-8 of the Municipal Code of Marietta related to Civil Service Rules and Regulations as requested by the Civil Service Board.

*First Reading*  
*Council Member Goldstein Opposed*

\*      **20220165      Pension Plan Amendments (Retirement Applications)**

Motion approving an ordinance amending the defined benefit pension plans to clarify that the Pension Board has the authority to act on retirement applications submitted less than 30 days from the applicant's retirement date as forwarded by the Pension Board.

*First Reading*

\*      **20220166      Pension Plan Amendments (Pension Board)**

Motion approving an ordinance amending Article X in the defined benefit pension plans to allow the police and fire chiefs to select a designee to serve on the board in an ex officio role, update the officers and duties section, and make other administrative updates and formatting changes as forwarded by the Pension Board.

*First Reading*

\*      **20220188      Defined Benefit Pension Plan Investment Policy Statement**

Motion approving the updated Defined Benefit Pension Plan Investment Policy Statement (IPS) as forwarded by the Pension Board.

\*      **20220189      Supplemental Pension Investment Policy Statement**

Motion approving the Supplemental Pension Investment Policy Statement (IPS) as forwarded by the Pension Board. This update removes Exhibit A, the list of investment options, in favor of indicating the options are found in the quarterly reports.

**6. Public Safety Committee: M. Carlyle Kent, Chairperson**

**7. Public Works Committee: Grif Chalfant, Chairperson**

\*      **20220176      Mountain View Road Utilities - 1GW48102N**

Motion authorizing a variance from the Underground Utilities ordinance to allow the installation of fiber to be over lashed on existing fiber and requiring the removal of all duplicate utility poles where AT&T is “next to transfer” along Mountain View Road, Polk Street, and Lindley Avenue for 2,600 feet. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at these locations are moved underground.

*Council Member Goldstein discloses that he and Philip M. Goldstein combined own more than \$10,000 of stock in AT&T. Philip M. Goldstein is the father of Council Member Goldstein.*

*Council Member Goldstein Abstaining*

**20220177 Merritt Road Traffic Calming Proposal**

Motion authorizing Public Works to relocate the School Zone Flashing Beacon, install one (1) Driver Feedback Sign, installation of additional signage, and clearing vegetation to improve line of sight on Merritt Road. The estimated total cost for the proposed project is \$37,000.00 with a \$4,500.00 contribution from the Marietta City Schools.

*Public Hearing Required*

**20220178 Frasier Street Traffic Calming Proposals**

Motion authorizing Public Works to install the traffic calming measures for Frasier Street between South Fairground Road and Alexander Circle. This project will include one (1) speed table, one (1) driver feedback sign, and two (2) enhanced stop signs with LED lighting. The estimated cost for this project is \$14,000.00.

*Public Hearing Required*

**\* 20220179 Brookwood Drive Speed Study**

Motion authorizing Public Works to conduct the speed study of Brookwood Drive from Whitlock Avenue to Kirkpatrick Drive to determine if traffic calming devices are needed.

**\* 20220180 Howard Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Howard Street from Washington Avenue to Toliver Street to determine if traffic calming devices are needed.

**\* 20220181 Montgomery Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Montgomery Street from Cherokee Street to Wellons Avenue to determine if traffic calming devices are needed.

**OTHER BUSINESS:**



**20220233      Ordinance Amendment Related to Chapter 8-12-16 - Solicitation**

Motion to amend Chapter 8-12-16 entitled "Solicitation" of the Code of Ordinances of the City of Marietta by adopting new Sections 8-12-16-010, et seq.

*First Reading*

*Public Hearing*

**20220265      HB844, HB1093 & SB494 Resolution**

Motion to approve a resolution opposing HB844, HB1093 & SB494 which would unconstitutionally limit a City's authority to make housing, land use and zoning decisions within a local government's geographical boundaries.

\*      **20220266      Housing Standards Resolution**

Motion to adopt a resolution supporting locally established building design standards for residential dwellings.

\*      **20220271      1048 Franklin Gateway**

Motion to authorize the acquisition of property owned by Franklin Road, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference. City staff and the City Attorney are authorized to conduct a voluntary purchase if that becomes feasible.

\*      **20220272      191 Mountain View Road**

Motion to authorize the acquisition of property owned by Mark W. Taylor & Nghia V. Nguyen on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference. City staff and the City Attorney are authorized to conduct a voluntary purchase if that becomes feasible.

**\*        20220254        BLW Actions of March 7, 2022**

Review and approval of the March 7, 2022 actions and minutes of Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes,  
for a combined total of 30 minutes.**

**ADJOURNMENT:**